

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
JIMMY DEAN SCOTT, JR.,)	
)	
Defendant.)	
)	

Findings: The defendant was charged in a bill of indictment filed on August 7, 2006 with conspiracy to possess with intent to distribute cocaine and cocaine base, schedule II controlled substances. On December 18, 2006 the defendant entered a plea of guilty to that offense. In the violation report that has been filed, it is alleged that on January 15, 2007 three males came into the defendant's residence, took the defendant outside the residence, then brought the defendant back into the residence and kept asking the defendant "where the

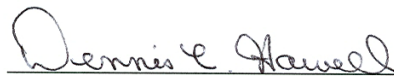
money was”. The defendant was then shot in the thigh by these persons. It is also alleged that the persons had placed a gun to the head of a fourteen year old minor and that the defendant’s sister was present during the incident. It is further alleged that the defendant violated the condition of bond that requires him to report as soon as possible to the United States Probation Officer any contact that he has with any law enforcement personnel.

The defendant’s counsel cannot be present for there to be a hearing previous to January 29, 2007. 18 U.S.C. § 3142(f)(2) provides that a detention hearing shall “be held immediately upon the person’s first appearance before the judicial officer unless that person or the attorney for the Government, seek a continuance. Except for good cause, continuance on motion of such person may not exceed five days and a continuance on motion of the attorney for the Government may not exceed three days”. The undersigned is of the opinion that good cause has been shown for extending the time for not only the detention hearing of the defendant, but also extend the time for the hearing of the violation report. It appears from the allegations in the violation report that the release of the defendant would create a danger of risk or harm to any person in the community, including and specifically being the defendant himself and members of the defendant’s family and any other person in the defendant’s mother and father’s home. To release the defendant would subject him to such harm and danger and as a result, the undersigned has determined that good cause has been shown for extending the time for the hearing of not only the issue of detention, but also the hearing of whether or not the defendant violated the terms and conditions of pretrial release to January 29, 2007.

ORDER

IT IS THEREFORE **ORDERED** that the hearing of the violation report and determine the issue of detention of the defendant is hereby continued until January 29, 2007 at 10:15 a.m.

Signed: January 29, 2007

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Dennis L. Howell
United States Magistrate Judge

